

Densification didn't work in Maryland, won't work here

by Randy Bright <http://www.tulsabeacon.com/?p=3151#more-3151>

Architect Newswire, an online architectural newsletter, has published an article entitled, "Maryland's Smart Growth Policy is a Flop." The article was by a Washington Post staff writer who had written about a study conducted by The University of Maryland. That study gauged the effectiveness of smart-growth policies enacted ten years ago by the State of Maryland.

The staff writer wrote, "An innovative policy to fight suburban sprawl catapulted Maryland into the national spotlight a decade ago and became then-Gov. Parris N. Glendening's principal legacy. But a new study says the law has been a bust, largely because it has no teeth to force local governments to comply and because builders have little incentive to redevelop older urban neighborhoods."

The staff writer also quoted the study that said, "There is no evidence after ten years that (smart-growth laws) have had any effect on development patterns." The study was published in the Journal of the American Planning Association.

She also quoted the study's lead author to say, "What makes incentives so politically attractive is that governments and individuals can choose to ignore them if they wish... Unfortunately, in Maryland over the last decade, that is exactly what many have been doing."

She continued, "Ideally, Maryland's law would have included a regulatory stick such as those adopted in Oregon and Washington State, which require cities to designate strict boundaries where growth can and cannot occur. But to win passage in Maryland, where local governments were unwilling to give up control over growth and developers opposed limits on building, the Glendening administration had to compromise with carrots, the former governor and others said."

Carrots, that is, instead of sticks.

There are several issues here. First, the staff writer wasn't specific about the Oregon or Washington laws, but perhaps the Oregon law is the same one that Randal O'Toole writes about in his book, *The Best-Laid Plans - How Government Planning Harms Your Quality of Life, Your Pocketbook, and Your Future*. On page 73 he writes, "Oregon planners, for example, believe that the only legitimate lifestyles are urban and rural. State planning rules prohibit anyone from building a house on their own land in the 95 percent of the state that is zoned rural unless they own at least 160 acres, actually farm the land, and earned \$40,000 to \$80,000 (depending on land productivity) farming it in two of the past years. This rule was needed, said the state, to prevent 'lawyers, doctors, and others not really farming (from) building houses in farm zones'."

Second, local governments should be reluctant to enact laws that are forced upon them over issues that should be dealt with under the concept of home rule. Under home rule, local

governments are more aware of the needs and wants of their community, and thus should place the individual and specific needs of their community before broad policies that simply assume to be best for everyone.

In Oregon, the laws are intended to densify all urban areas, even if the people in those areas don't want to do so, and even if it is not in their best interest to do so.

Third, the assumption is that if a populace does not see the need or the wisdom to abide by a policy that government would prefer they obey voluntarily, then that government should enact strict laws in order to force compliance.

Former Governor Glendening was quoted to have said, "The incentives are not strong enough ... But property rights are a heated issue. I don't believe the political realities allow you to go to a (stronger) system."

The next governor after Glendening obviously agreed, but after he removed the cabinet position of "smart growth secretary", the next governor reinstated the position.

So fourth, what about market forces? Study after study has shown that most people don't want to live in dense developments. Are we to ignore them as well? Is this what the people of Tulsa want for their city? Are we willing to trample on property rights simply to achieve a certain kind of urban design and density?

In my opinion, most people in Tulsa are totally unaware of the amount of regulation that is heading our way if Tulsa's leaders decide to enact laws that force densification of the city. Fortunately, Tulsans don't have an Oregon-style law to prevent them from moving their homes and businesses to outlying suburbs and beyond, because that is the likely outcome. Tulsans, and Oklahomans, treasure their freedoms.

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